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W.P.No.658 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.658 of 2024 and W.M.P. Nos.679 and 680 of 2024

Vedanta
represented by its Authorised Signatory
A. Vimal Chand
F/A 51 years
having office at No.11, Railway Station Road
Alandur
Chennai 600 016

Petitioner

vs.

1. The District Collector
Collectorate
GST Road
Chengalpattu 603 001
2. The Tahsildar
GST Road
Pallavaram
Chennai 600 043

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the first respondent with respect to the impugned order dated 27.12.2023 in Na.Ka.No.15698/2023/Aa3 issued by the first respondent under Section 10 of the Tamil Nadu Encroachment Act, 1905 and



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consequently, quash the same as illegal, invalid, arbitrary and non est in the eyes of law and consequently, forbear the respondents from evicting the petitioner from the property admeasuring 6,695 sq. ft situated at Door Nos.377 to 383, MKN Road, Alandur Taluk, Chennai 600 016 and comprised in Survey No.1448,T.S.No.80,Ward 'H',Block 1.

For petitioner Mr. Nithyaesh Natraj
for Mr. Anirudh A. Sriram

For respondents Mr. R. Ramanlaal
Addl. Adv. General
assisted by
Mr. T.K. Saravanan
Addl. Govt. Pleader

ORDER

[made by M. SUNDAR, J.]

Captioned main 'writ petition' [hereinafter 'WP' for the sake of brevity] has been filed with a prayer for issue of a writ of certiorarified mandamus.

2. Mr. Nithyaesh Natraj, learned counsel representing Mr.Anirudh A. Sriram, learned counsel on record for writ petitioner and Mr. T.K. Saravanan, learned Additional Government Pleader led by Mr.R.Ramanlaal, learned Additional Advocate General are before us.



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3. The entire matter turns on a short point of alternative remedy as an efficacious and effective alternative remedy is available *qua* impugned order by way of a revision under Section 10-A of 'the Tamil Nadu Land Encroachment Act, 1905 [Tamil Nadu Act III of 1905]' (hereinafter 'said 1905 Act' for the sake of brevity).

4. Alternative Remedy rule is a rule of discretion and is not an absolute rule. Be that as it may, before proceeding further, it is deemed appropriate to write that this Court, in order dated 29.04.2025 in W.P.Nos.8355 and 8357 of 2022 and W.M.P. Nos.8324 and 8237 of 2022 thereat, respectfully advertent to the **Girnar** principle, *i.e.*, declaration of law made by a Constitution Bench of the Hon'ble Supreme Court in **Girnar Traders (3) vs. State of Maharashtra** reported in **(2011) 3 SCC 1**, held that said 1905 Act is a self-contained Code. To be noted, **Girnar** principle is one where Hon'ble Supreme Court declared the law as regards what would be a self-contained Code. It was held that a statute, which is a complete legislation with regard to the purpose for which it is enacted and provides for complete machinery to deal with purposes sought to be



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achieved by the statute with dependence on other legislations being absent or at best minimal, is a self-contained Code.

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5. In this context, as regards said 1905 Act, *inter alia*, there is a provision to have the alleged encroacher show caused under Section 7 of said 1905 Act followed by an order (considering the cause shown). The order under Section 6 is appealable under Section 10 [District Collector is the appellate authority] and there is a provision for further revision to the Government under Section 10-A of said 1905 Act. Pending appeal / revision, there is a provision for making interim prayer *vide* Section 10-B of said 1905 Act. Such a three-tier machinery has been put in place to check unauthorised occupation of lands which are the properties of the Government by imposition of penal or prohibitory assessment or charge, after giving adequate and ample opportunity to a person who is alleged to be in occupation of public roads, streets, lanes and paths, bridges, ditches, dikes and fences, rivers, streams, nalas, lakes, tanks and such other properties of Government. Suffice to say that said 1905 Act is clearly a self-contained Code.

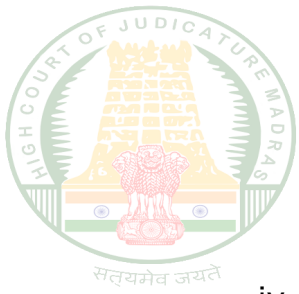


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6. In the light of the narrative thus far, captioned main WP stands vastly descoped and therefore, with the consent of the aforementioned learned counsel, captioned main WP was taken up.

7. The following order is made:

- i. It is open to the writ petitioner to file a statutory revision under Section 10-A of said 1905 Act assailing the impugned order of R1 dated 27.12.2023 bearing reference Na.Ka.No.15698/2023/Aa3;
- ii. Captioned WP was filed on 03.01.2024 itself. Hence, considering the pendency of captioned WP before this Court, we hold that time spent by the writ petitioner by filing this writ petition shall be excluded (by applying the principle underpinning Section 14 of the Limitation Act, 1963) for the purpose of calculation of limitation for filing revision. In this view of the matter, the writ petitioner has time till 19.07.2025 to prefer revision (this is *vide* sub-section (2) of Section 11 of said 1905 Act);
- iii. As writ petitioner has time till 19.07.2025 to prefer revision, coercive action, if at all and if that be so, shall be kept in abeyance till 19.07.2025;



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- iv. Notwithstanding the above directive, it is open to the writ petitioner to seek interim stay pending revision before the revisional authority by resorting to Section 10-B of said 1905 Act;
- v. The stay petition shall be disposed of by the revisional authority within four weeks from the date of filing of the revision petition and stay petition;
- vi. Though obvious, we make it clear that if the writ petitioner files a revision under Section 10-A together with stay petition under Section 10-B of said 1905 Act, there will be no coercive action till disposal of the stay petition one way or the other within the aforereferred four weeks time frame;
- vii. If the stay petition disposal is in favour of the writ petitioner, the main revision will proceed;
- viii. If the stay petition disposal is adverse to the writ petitioner, the order in the stay petition will be kept in abeyance for a fortnight to enable the writ petitioner to seek judicial review, if so advised and if so desired;
- ix. Though obvious, we make it clear that if the writ petitioner does not prefer revision on or before 19.07.2025, the impugned order will get resuscitated and the impugned order



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can be put in motion by the State for carrying the same to its logical end.

8. Captioned main WP stands disposed of in the aforesaid manner. In the light of the aforesaid directives, W.M.P.Nos.679 and 680 of 2024 have become otiose and the same are disposed of as closed. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
26.06.2025

cad
Index: Yes/No
N.C. : Yes/No



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M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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To

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